

Serial No. 10/024,849
Amdt. AF dated June 19, 2009
Reply to O.A. of January 7, 2009

PATENT
Docket No. 28944/40018

REMARKS

Reconsideration of this application, withdrawal of the final rejection, entry of the foregoing amendments, and allowance of this application is respectfully requested.

The status of the claims is as follows:

Claims 1-11 are pending in the present application;

Claims 2, 9 and 11 have been indicated as containing allowable subject matter;
and

Claims 1, 3-8 and 10 have been finally rejected.

The examiner is thanked for the indication that claims 2, 9 and 11 contain allowable subject matter. While these claims have been objected to as being based on a rejected independent claim, they have not been re-written in independent form because applicant believes that the amendments to independent claims 1, 8 and 10 also will place these claims in allowable form as discussed below.

The examiner has rejected claims 1, 3-8 and 10 under 35 U.S.C. §103(a) as unpatentable over Grilli et al (US6438117), hereafter "Grilli" in view of Raith (US6073005, hereafter "Raith." This rejection as it applies to the amended claims is traversed.

While applicant believes that the examiner's rejection of claims 1, 8 and 10 based on Grilli and Raith is improper, in order to expedite the allowance of this application, applicant has incorporated some, but not all, of the elements from Claims 2, 9 and 11 into the independent claims. In particular, the amended claims now include the periodic transmission by a mobile terminal of a given pattern on the mutual help channel with a first periodicity and the base stations periodically monitor the mutual help channel with a control logical channel having timeslots with a second periodicity that is not proportional to the first periodicity while taking into account the characteristics of the radio interface of the first system.

Neither Grilli nor Raith alone or in combination disclose a method, base station and/or system where mobile terminal periodically transmits a given pattern on a mutual help channel with a first periodicity and where the base station periodically monitors the mutual help channel with a control logical channel having timeslots with a second periodicity that is not proportional

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to the first periodicity while taking into account the characteristics of the radio interface of the first system. These elements taken from allowable claims 2, 9 and 11 are clearly not shown by either Grilli or Raith. Neither Grilli nor Raith discloses a mobile station transmitting a given pattern with a first periodicity on the mutual help channel and a base station monitoring the mutual help channel with a control logical channel having timeslots with a second periodicity not proportional to the first periodicity. Both documents are silent with regard to these points and one of ordinary skill would not combine Grilli and Raith to come up with the method, base station and system of the present invention as claimed. Therefore it is believed that the rejection of claims 1, 2-8 and 10 is no longer warranted and should be withdrawn.

The examiner is invited to call the undersigned attorney at the telephone number indicated below to discuss the pending claims or the remarks presented herein, if the examiner believes that such conversation would be helpful for the purpose of expediting this prosecution.

Deposit Account Authorization

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees, which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Respectfully submitted,

McCracken & Frank LLP
311 S. Wacker, Suite 2500
Chicago, Illinois 60606
(312) 263-4700
Customer No: 29471

By: 

J. William Frank, III
Reg. No. 25,626

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